

**City of Cottonwood
Draft
Judicial Review and Appointments Advisory Board Meeting Minutes**

The City of Cottonwood Judicial Review and Appointments Advisory Board (JRAAB) met Wednesday, February 18, 2009 at 5:00 PM in the Cottonwood Police Department Substation Conference Room, 817 N. Main Street, Cottonwood, Arizona.

Board Members

Present

Absent

Donna Castillo, Citizen	X
William Fischbach, Attorney	X
Randall Garrison, Citizen	X
Shiloh Hoggard, Attorney	X
Robert Oliphant Citizen	X
Deborah Schaefer, Designee of Presiding Judge of Arizona Superior Court, Yavapai County	X
Justin Vaughn, Attorney	X
Iris Dobler, Employee/Recording Secretary	X

Items of Business

- I. Call to Order – The meeting was called to order by the Chairman, Robert Oliphant, at 5:07 PM.
- II. Roll Call – All members were present.
- III. Approval of Minutes of February 4, 2009 Meeting – Deborah Schaefer made a motion to approve the minutes as amended; Donna Castillo seconded. Motion carried unanimously.

Iris Dobler announced that applicant A-20 has withdrawn as an applicant.

- IV. Review Background Checks of Short List of Applicants – On applicant A-15, correct name on Cottonwood Police Department report. (Report is on correct applicant, name misspelled at one location on report.)

Applicant A-15: Debi Scheafer moved to continue to include A-15 in the list of applicants to be interviewed; Will Fischbach seconded; motion carried unanimously.

Applicant A-3: Report indicates informal discipline (vs. formal); comments don't concern Debi Scheafer for this position. She said this report was regarding a large court (perhaps 50 judges) versus one in Cottonwood court. Robert Oliphant had some concerns about several items in this applicant's reports. He prefers a judge who stays out of trouble. Will Fischbach says he feels most judges don't go against the Arizona Supreme Court without real reason. Justin Vaughn said he felt there wasn't enough

information in the report to know who was right and who was wrong in the situation. Bob Oliphant said the report showed a finding by a Commission, and that concerns him. Justin Vaughn pointed out that there was only one disagreement with a presiding judge over many years of the applicant being a judge, so he's not particularly concerned about it. If it was "politics", it doesn't concern him at all. Will Fischbach moved to continue to include A-3 in the list of applicants to be interviewed, pending obtaining a copy of the complaint and response; Randy Garrison second; motion carried unanimously. Deborah Schaefer will make a contact to obtain a copy of the complaint and response.

Applicant A-11: Justin Vaughn said the question in this case is, were there sanctions. The complaints are not important if there wasn't enough evidence to file a claim. Robert Oliphant expressed concern about so many complaints; other Board members were not concerned about them. The majority felt if the complaints didn't result in sanctions, they were not a big deal. Someone mentioned it also depends on the types of attorney work they applicant was in, years of experience as an attorney, etc. Randy Garrison moved to continue to include A-11 in the list of applicants to be interviewed; Justin Vaughn second; motion carried unanimously.

Applicant A-12: Debi Scheafer mentioned that part of what's in the report from the Cottonwood Police Department probably shouldn't have been included in the report; it's not relevant. Justin Vaughn moved to continue to include A-12 in the list of applicants to be interviewed; Will Fischbach seconded; motion carried unanimously.

Robert Oliphant asked whether the Board felt the background checks should be explained to the City Council ahead of the interview process, to save time of questions coming up at that time. No determination was made on this query

- V. Determination of Interview Schedule – Robert Oliphant had prepared a Suggested Procedure sheet which was passed out to Board members (see attached). He also passed out a sample interview questionnaire with one question on it, and requested Board members to suggest additional interview questions.

The Board decided on five questions they would ask each candidate (see Standard Questions for Each Candidate, attached), and that candidates would be allowed a maximum of five minutes to answer each question. Will Fischbach moved to adopt the five questions and to limit responses to five minutes; Shiloh Hoggard seconded; motion carried unanimously.

There was a discussion about who would check references on the candidates, and how many should be contacted. Will Fischbach moved that each candidates be asked for three references. The request should be for the following categories:

1. a current or former supervisor from the past year
2. a current or former subordinate from the past year
3. an opposing counsel or counsel to whom they've issued an adverse ruling within the past year

Shiloh Hoggard was concerned that we would allow the candidates to give us names of their references. Robert Oliphant made an addendum to the motion that a “blind” reference also be contacted. Deborah Schaefer seconded the motion; motion carried unanimously.

Randy Garrison wanted to know when the names of the applicants would be announced to the public. The Board agreed that this would be done in the announcements for the public interview meeting of the candidates, tentatively the latter part of March, 2009. At that meeting, the Board will open the floor to comments from the public about the applicants.

The Board would like the open meeting to be held in the Council Chambers or the Public Safety building, starting at 4:00 PM.

Robert Oliphant instructed the Recording Secretary to reserve a meeting room, and to find out when the applicants and Board members would all be available to attend. In addition, she is to check with the Police Chief to see if Officers might be available to drive by the meeting location and be available to conduct crowd control, if there is a large public turnout. When the references are typed and distributed to Board members for their review, the Recording Secretary will request Board members to notify her within 24 hours if anyone wishes to meet to discuss the references.

Confirm Date and Time of the Next Board Meeting – The next meeting will be the open interview session, tentatively the latter part of March, 2009. Date will be determine by availability of meeting space, applicants’ and Board members’ schedules.

- VI. Adjournment – Shiloh Hoggard made a motion to adjourn the meeting; Will Fischbach seconded; motion passed. Meeting was adjourned at 7:20 PM.

Respectfully Submitted,

Iris Dobler
Recording Secretary